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## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	METHOD AND APPARATUS FOR DETERMINING TISSUE VIABILITY
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As the below named inventor(s), I/we declare that:

This declaration is directed to:

- The attached application, or  
 Application No. 10/519,024, filed on J.A. June 25, 2003  
 as amended on the IFER annexes & Dec 22, 2004. (if applicable):

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, (including the claims, as amended by any amendment specifically referred to above);

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

### FULL NAME OF INVENTOR(S)

Inventor one: Benny PESACHSignature: Benny Pesach

Citizen of: Israel

Inventor two: Michal HALBERGSignature: Michal Halberg

Citizen of: Israel

Inventor three: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: \_\_\_\_\_

Inventor four: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: \_\_\_\_\_

Additional inventors or a legal representative are being named \_\_\_\_\_ additional form(s) attached hereto.  
 A collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public to file (and by the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete. The burden of time you require to complete this form, and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8198 and select option 2.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
POWER OF ATTORNEY

Docket No.  
**227704279**

Name of Applicant: **Benny PESACH et al.**  
Address of Applicant:

Title: **METHOD AND APPARATUS FOR DETERMINING TISSUE VIABILITY**

Serial No., if Any: **10/519,024**  
Filed: **December 22, 2004**

TO THE COMMISSIONER FOR PATENTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Honorable Sir:  
I hereby appoint:

Paul Fenster, Reg. No. 33,877  
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as principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all future correspondence to:

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By:

Benny P. Pesach

Benny PESACH, Vice President, R&D  
Glucon Inc.

Assignee of record of the entire right  
title and interest

Statement under 37 CFR §3.73(b) is enclosed

Dated:

June 28 2005